

Q1 1. (Amended) In a surgical method comprising making an incision through the thoracic wall of a patient, and performing a surgical procedure proximate the surface of the heart, the improvement comprising immobilizing a portion of the surface of the heart upon which surgery is to be performed by temporarily securing to the surface of the heart a cardiac immobilizing member that at least partially surrounds the portion of the surface of the heart upon which the surgery is to be performed thereby substantially fixing the position of the cardiac immobilizing device, the step of securing the immobilizing member comprising applying a partial vacuum to the surface of the heart.

2. (Amended) The method of Claim 1 wherein the step of securing the cardiac immobilizing member to the heart further comprises applying a layer of physiologically compatible adhesive between the cardiac immobilizing member and the surface tissue of the heart.

4. (Amended) The method of Claim 3 the incision through the thoracic wall is [not substantially longer than the minor dimension of] substantially surrounded by the cardiac immobilizing member.

5. (Amended) Apparatus [for immobilizing] constructed and adapted to immobilize a surface portion of the heart of a patient to enable a surgical procedure to be performed on the heart while the heart is beating comprising:

Q2 a cardiac immobilizing member comprising structure defining a partial chamber having edges, the edges being so constructed and configured to form a substantially fluid-tight seal with the surface of the heart, said member being so constructed and configured to at least partially surround that portion of the heart upon which the surgical procedure is to be performed and when in sealed relationship with the heart to define with the heart a vacuum chamber;

means for partially evacuating the vacuum chamber for securing said cardiac immobilizing member to the heart; and

means for fixing the position of the cardiac immobilizing member;

said cardiac immobilizing member, evacuating means and fixing means being [so]

Q2 constructed, [and] configured and adapted [as] to be attachable to the heart by reason of a partial vacuum in the partial chamber defined by the cardiac immobilizing member and substantially immobilizing that portion of the heart surface at least partially surrounded by the cardiac immobilizing member.

11. (Amended) Apparatus [for immobilizing] constructed and adapted to immobilize a surface portion of the heart of a patient to enable a surgical procedure to be performed on the heart while the heart is beating comprising:

a cardiac immobilizing member comprising structure defining an elongate surface configured and constructed to lie in intimate contact with the surface of the heart of the patient and being so constructed and configured to at least partially surround that portion of the heart upon which the surgical procedure is to be performed;

a layer of physiologically compatible adhesive for bonding the elongate surface temporarily to the surface tissue of the heart; and

Q3 means for fixing the position of the cardiac immobilizing member;

said cardiac immobilizing member[, evacuating means] and fixing means being [so] constructed, [and] configured and adapted [as] to be attachable to the heart by the adhesive thereby substantially immobilizing that portion of the heart surface at least partially surrounded by the cardiac immobilizing member.

#### REMARKS

Applicant expresses sincere appreciation for the careful examination and the most helpful guidance provided in the Official Action and for the indication of an allowed claim and allowable subject matter.

The claims have been amended following the guidance provided in the Official Action. The definition of the vacuum securing has been added to Claim 1 and the objected to language in claim 4 has been deleted obviating the objection. Claims 5 and